

6268--C

Cal. No. 594

I N S E N A T E

January 18, 2012

Introduced by Sens. GRISANTI, ADDABBO, AVELLA, DILAN, DUANE, ESPAILLAT, FUSCHILLO, GOLDEN, HASSELL-THOMPSON, KLEIN, KRUEGER, LAVALLE, MARTINS, MONTGOMERY, O'MARA, OPPENHEIMER, PARKER, SERRANO, STEWART-COUSINS -- read twice and ordered printed, and when printed to be committed to the Committee on Environmental Conservation -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the environmental conservation law, in relation to creating the sewage pollution right to know act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. This act shall be known and may be cited as the "sewage
2 pollution right to know act".
3 S 2. The environmental conservation law is amended by adding a new
4 section 17-0826-a to read as follows:
5 S 17-0826-A. MANDATORY SEWAGE RELEASE REPORTING AND NOTIFICATION BY
6 PUBLICLY OWNED TREATMENT WORKS AND OPERATORS OF PUBLICLY
7 OWNED SEWER SYSTEMS.
8 1. PUBLICLY OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED
9 SEWER SYSTEM SHALL IMMEDIATELY, BUT IN NO CASE LATER THAN TWO HOURS,
10 REPORT DISCHARGES OF UNTREATED OR PARTIALLY TREATED SEWAGE, INCLUDING
11 COMBINED SEWER OVERFLOWS, EXCEPT PARTIALLY TREATED SEWAGE DISCHARGED
12 DIRECTLY FROM A PUBLICLY OWNED TREATMENT WORKS THAT IS IN COMPLIANCE
13 WITH A DEPARTMENT APPROVED PLAN OR PERMIT, TO THE DEPARTMENT AND THE
14 LOCAL HEALTH DEPARTMENT, OR IF THERE IS NONE, THE NEW YORK STATE HEALTH
15 DEPARTMENT. SUCH REPORT SHALL, AT A MINIMUM, INCLUDE, TO THE EXTENT
16 KNOWABLE WITH EXISTING SYSTEMS AND MODELS:
17 (A) THE VOLUME AND TREATED STATE OF THE DISCHARGE;
18 (B) THE DATE AND TIME OF THE DISCHARGE;
19 (C) THE EXPECTED DURATION OF THE DISCHARGE;

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

LBD13941-05-2

1 (D) A BRIEF DESCRIPTION OF THE STEPS BEING TAKEN TO CONTAIN THE
2 DISCHARGE EXCEPT FOR WET WEATHER COMBINED SEWER OVERFLOW DISCHARGES;

3 (E) THE LOCATION OF THE DISCHARGE, WITH THE MAXIMUM LEVEL OF SPECIFIC-
4 ITY POSSIBLE; AND

5 (F) THE REASON FOR THE DISCHARGE.

6 2. IN ADDITION TO SUBDIVISION ONE OF THIS SECTION, AS SOON AS POSSI-
7 BLE, BUT NO LATER THAN FOUR HOURS AFTER THE DISCHARGE, THE PUBLICLY
8 OWNED TREATMENT WORKS OR THE OPERATOR OF A PUBLICLY OWNED SEWER SYSTEM
9 SHALL NOTIFY THE LOCAL HEALTH DEPARTMENT OR IF THERE IS NONE, THE NEW
10 YORK STATE HEALTH DEPARTMENT, THE CHIEF ELECTED OFFICIAL OR THEIR
11 AUTHORIZED DESIGNEE OF THE MUNICIPALITY IN WHICH THE DISCHARGE OCCURRED
12 AND THE CHIEF ELECTED OFFICIAL OR THEIR AUTHORIZED DESIGNEE OF ANY
13 ADJOINING MUNICIPALITY THAT MAY BE AFFECTED. THE SAME NOTIFICATION SHALL
14 ALSO BE PROVIDED WITHIN THE SAME TIMEFRAME TO THE GENERAL PUBLIC, PURSU-
15 ANT TO REGULATIONS TO BE PROMULGATED UNDER SUBDIVISION FOUR OF THIS
16 SECTION THROUGH APPROPRIATE MEDIA AS DETERMINED BY THE DEPARTMENT.

17 3. THE DEPARTMENT SHALL POST REPORTED INFORMATION ON ITS WEBSITE EXPE-
18 DITIOUSLY AND SHALL PREPARE A REPORT ON PUBLICLY OWNED TREATMENT WORKS
19 AND SEWER SYSTEM DISCHARGES ANNUALLY. THE REPORT SHALL, AT A MINIMUM,
20 INCLUDE: THE TOTAL NUMBER OF DISCHARGES, DETAILS OF SUCH DISCHARGES
21 INCLUDING THE VOLUME AND TREATED STATE OF THE DISCHARGE, AND THE DURA-
22 TION AND LOCATION OF EACH DISCHARGE; AS WELL AS ANY REMEDIAL RESPONSES
23 TAKEN TO MITIGATE IMPACTS AND AVOID FURTHER DISCHARGES.

24 4. THE DEPARTMENT SHALL PROMULGATE RULES AND REGULATIONS NECESSARY FOR
25 THE IMPLEMENTATION OF THIS SECTION. PURSUANT TO THE PROVISIONS OF THIS
26 SECTION, THE DEPARTMENT IN CONSULTATION WITH THE DEPARTMENT OF HEALTH,
27 SHALL FURTHER PROMULGATE HEALTH-BASED RULES AND REGULATIONS TO PROVIDE
28 FOR NOTIFICATION IN ANY SITUATION THAT MAY PRESENT A THREAT TO PUBLIC
29 HEALTH. THESE REGULATIONS SHALL AUTHORIZE PUBLICLY OWNED TREATMENT WORKS
30 OR THE OPERATOR OF A PUBLICLY OWNED SEWER SYSTEM TO CONSIDER INPUT FROM
31 A LOCAL HEALTH AGENCY SO LONG AS THAT INPUT IS BASED ON OBJECTIVE CRITE-
32 RIA.

33 S 3. A municipality may, but shall not be required to, expend addi-
34 tional local funds to implement the provisions of this act.

35 S 4. This act shall take effect May 1, 2013. Effective immediately,
36 the department of environmental conservation is authorized to promulgate
37 rules and regulations, as authorized by subdivision 4 of section
38 17-0826-a of the environmental conservation law as added by section two
39 of this act, necessary for the timely implementation of this act on its
40 effective date.